THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.20736 of 2004

Dated: 03.10.2007

Between:

M/s Sapthagiri Stone Crushers, Kannala village,
Kamanpur Mandal, Karimnagar District
Rep. by its Owner and Proprieor P.Raji Reddy
.. Petitioner

And

The Chairman and Managing Director,
Northern Power Distribution Company of
A.P.Limited, Warangal
and others.
.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.20736 of 2004

ORDER;

The petitioner approached this Court and filed the present writ petition for a writ of Mandamus declaring the action of the respondents 3 and 4 herein in levying surcharge alleging fall of power factor and including the same in the bills issued for payment of power consumption charges without issuing any notice to it with regard to any fall on the power factor and without pointing out any defect or any irregularity with regard to functioning of L.T. shunt capacitor installed for maintaining the power factor in the industry, as illegal, arbitrary and contrary to the conditions Nos.23 and 38.9 of A.P.S.E.B. terms and conditions of Power supply, and consequently, direct the respondents 3 and 4 herein not to levy the surcharges on the ground of fall of power factor and not to disconnect the power supply abruptly to the petitioner industry without causing any inspection, without giving any prior notice and without pointing out any defect with regard to maintenance of shunt capacitors installed for maintaining the power factor in the petitioner and to pass such suitable order.

2. Several facts had been narrated in the affidavit filed in support of the writ petition.

3. Heard both sides.

4. During the course of arguments, the learned counsel for the petitioner has drawn my attention to the order dated 17.01.2007

passed by the Consumer Grievances Redressal Forum of Northern Power Distribution Company of A.P. Limited, Warangal in the case of M/s. Sri Nilayam Stone Crusher, where the said Forum has granted the relief sought for by M/s. Sri Nilayam Stone Crusher and the petitioner herein submits that as the said relief granted therein by the said Forum and the relief sought for by it in this writ petition are same, this Court can as well grant the same relief.

5. Having regard to the facts and circumstances of the case, this Court is of the view that as the said relief is granted by the Forum, it is not inclined to grant the said relief, but, however, the petitioner is directed to approach the said Forum and may ask for the same relief as granted in the case of M/s. Sri Nilayam Stone Crusher.

6. Accordingly, this writ petition is disposed of with a direction to the petitioner to approach the said Forum and give a representation within a period of four weeks from the date of receipt of a copy of this order so that the said Forum may consider the same and pass appropriate orders keeping in mind its order dated 17.01.2007. However, in the meanwhile, the respondents are directed not to take any coercive steps.

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(GOPALA KRISHNA TAMADA,J)

Dt.03.10.2007

Note: Furnish CC in a week

B/o

v v